

ATTORNEY DOCKET NO: 70418

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : RATHERT
Serial No : 10/051,577
Confirm. No. : 8660
Filed : January 16, 2002
For : THREE-SIDE...
Art Unit : 3724
Examiner : Kenneth E. Peterson
Dated : March 5, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail Stop DAC

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED
APPLICATION (37 CFR 1.137(b))**

Applicant/Petitioner hereby petitions the Commissioner to revive application serial number 10/051,577 filed January 16, 2002 .

Applicant/Petitioner has received a Notice of Abandonment dated October 23, 2006 advising that the application is abandoned in view of the decision by the Board of Patent Appeals and Interference rendered on 28 July 2006 and because the period for seeking court review of the decision has expired and there are no allowed claims. The Notice of Abandonment also states that Abandonment has been confirmed by Ted Dengler on 16 October 06.

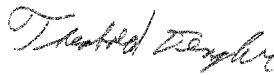
Applicant's representative, Ted Dengler wishes to point out, that to the best of his knowledge, Ted Dengler did not confirm this application was abandoned. It is Ted Dengler's

recollection that the Examiner called asking the status of this application, and Applicant confirmed that no response had been submitted to the Patent Office to the July 28, 2006 decision. Applicant also notes that the Notice of Abandonment does not say that Ted Dengler requested abandonment or in any way expressly abandoned this application. At best the Notice of Abandonment, and Ted Dengler's recollection of any statements indicates that this application would be abandoned by the U.S. Patent Office for failing to respond to the July 28, 2006 decision. Applicant reiterates that at no time did Applicant or Applicant's representative expressly abandon this application.

Applicant/Petitioner hereby wishes to advise that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.37(b) was unintentional. Applicant/Petitioner further wishes to advise that a response to the Board of Patent Appeals and Interferences Decision dated July 28, 2006 together with the appropriate petition fee is attached hereto. This response is in the form of an RCE and Amendment.

Favorable action is respectfully requested.

Respectfully submitted
for Applicant/Petitioner,



By: _____
Theobald Dengler
Registration No. 34,575
For: MCGLEW AND TUTTLE, P.C.

TD:tf

70418-23

Enclosed: - Amendment

DATED: March 5, 2007
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SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE
IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-
0410.